

## **REMARKS**

Favorable reconsideration and allowance of this application are requested.

As a procedural note, the present amendment is being filed concurrently with a formal Request for Continued Examination (RCE) under 37 CFR §1.114. Accordingly withdrawal of the "finality" of the April 8, 2008 Official Action is in order so as to allow entry and consideration of the amendments and remarks presented herewith.

### **1. Discussion of Amendments**

By way of the amendment instructions above, claims 33-37 and 54-55 have been cancelled along with previously cancelled claims 1-32. In addition, prior claims 38, 41, 45, 48, and 52 have been recast in independent form to include that subject matter of the claims from which they had previously depended.

Therefore, following entry of this amendment, claims 38-53 will remain pending in the application, of which claims 38, 41, 45, 48, and 52 are in independent format. Favorable reconsideration and allowance of such claims are therefore solicited.

### **2. Response to 35 USC §112 Issues**

The amendments and comments above are believed to address the Examiner's rejections advanced under 35 USC §112, second paragraph. Accordingly, withdrawal of such rejections is in order.

With respect to the issue advanced under 35 USC §112, first paragraph, the Examiner will note that the amended claims as presented above omit the objected-to phrase ("...*zinc cations*....*zinc alloys*"). As such, applicants suggest that the rejection advanced under 35 USC §112, first paragraph should be withdrawn.

DIETSCHE et al  
Serial No. 10/509,891  
August 8, 2008

**3. Response to 35 USC §103(a) Issues**

The cancellation of claims 33-37 renders moot the rejection advanced against such claims under 35 USC §103(a) as allegedly unpatentable over Denzinger et al (USP 5,175,361).

Early receipt of the allowance Notice with respect to presently pending claims 38-52 is therefore awaited.

**4. Fee Authorization**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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